

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

COOPER MOORE, individually and on his
behalf of all others similarly situated,

Plaintiff,

v.

ROBINHOOD FINANCIAL LLC, a Delaware
limited liability company,

Defendant.

Case No. 2:21-cv-01571-BJR

**STIPULATED MOTION AND ORDER TO
PERMIT PLAINTIFF TO FILE AN
AMENDED COMPLAINT**

I. STIPULATED MOTION

Pursuant to Federal Rule of Civil Procedure 15(a)(2) (providing for amended pleadings before trial), Defendant Robinhood Financial LLC (“Robinhood”) consents to Plaintiff filing an amended complaint in the form attached as Exhibit 2. Pursuant to Local Civil Rule 15, Plaintiff attaches a red-lined copy of the proposed First Amended Class Action Complaint as Exhibit 1 and a clean version as Exhibit 2. The red interlineations in Exhibit 1 show where the First Amended Complaint differs from the original Complaint. In support of this stipulated motion, the parties state:

1. Federal Rule of Civil Procedure 15(a)(2) permits a party to amend a pleading with the opposing party’s consent or the Court’s leave. Fed. R. Civ. P. 15(a)(2).

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2. Robinhood has consented to Plaintiffs filing the First Amended Class Action Complaint in the form attached as Exhibit 2 to this stipulation.

3. Plaintiff states that the Amended Complaint amends the Class Action Complaint by adding an additional Plaintiff, revising the caption so it reflects the fact that this case is now pending in this Court, adding more details about the facts out of which Plaintiffs' claims arise, amending the class definition, and removing the allegation that Robinhood "initiated" the text messages at issue in this case. None of the changes implicate this Court's subject matter jurisdiction. Federal Rule of Civil Procedure 15 (governing "Amended and Supplemental Pleadings") plainly contemplates and permits this amendment at this time, before trial.

4. Federal Rule of Civil Procedure 21 (governing "Misjoinder and Nonjoinder of Parties") also provides that "[o]n motion or on its own, the court may at any time, on just terms, add or drop a party." The majority rule is that Rule 15(a) supersedes Rule 21 when a plaintiff seeks to amend a complaint by adding or removing a party. *See, e.g., Galustian v. Peter*, 591 F.3d 724, 730 (4th Cir. 2010); *Bibbs v. Early*, 541 F.3d 267, 274 n.39 (5th Cir. 2008). That is because Rule 15 is the more specific rule governing amended pleadings, expressly authorizing amendment before trial when the opposing party consents. *See Matthews Metals Prods., Inc. v. RBM Precision Metal Prods., Inc.*, 186 F.R.D. 581, 583 (N.D. Cal. 1999).

4. Because Robinhood consents to Plaintiffs filing the First Amended Class Action Complaint, it is appropriate to permit Plaintiffs to file the First Amended Class Action Complaint in the form attached as Exhibit 2. Fed. R. Civ. P. 15(a)(2).

5. By stipulating to Plaintiffs filing the First Amended Class Action Complaint, Robinhood does not waive and expressly reserves any of its defenses.

STIPULATED TO AND DATED this 8th day of February, 2022.

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